IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3594 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

DEVKRUSHNA B JAGRIA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3594 of 1989

MR YS MANKAD for Petitioner

MR AJ DESAI, AGP for Respondents No. 1-2,4

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 25/10/2001

ORAL JUDGEMENT

There is a consensus that the premises in question was already demolished and the plans and outlook of the local area has undergone material change after the devastating earthquake which struck City of Bhuj on 26th

January, 2001. The learned AGP appearing on behalf of the respondent Nos.1, 2 and 4 has submitted that as and when any scheme for allotment of any premises is contemplated for the earstwhile Cabin holders, the petitioner shall be at liberty to apply for such premises and his case will be considered within such scheme, if the petitioner was found to be eligible. Admittedly, the original petitioner has passed away and the heirs of the original petitioner have no objection to make an application, as above, as and when occasion arises for the same. The learned counsel for the petitioner fairly conceded that this petition may be disposed of with the abovesaid observations and directions that the case of the petitioner shall be sympathetically considered as and when they apply for an alternative site, of course subject to the eligibility and the parameter of the scheme, which may be available for the petitioner.

2. Accordingly, this petition is disposed of, subject to aforesaid observations and directions, as having become infructuous. Rule is discharged. Interim relief stands vacated. No order as to costs.

(D. H. Waghela,J.)

vrp